# Table of Contents

## Guidelines



## 2007 Preliminary Approval Application Forms

# Neighborhood Preservation Tax Credit (NPA)
# 2007 Program Application and Guidelines

## Introduction

**The Missouri Neighborhood Preservation Act was passed during the 1999 Missouri General Assembly and became effective January 1, 2000. The law's intent is to aid in the rehabilitation and new construction of homes in certain census blocks in the state of Missouri. The Missouri Department of Economic Development is responsible for the administration and issuance of tax credits under this program.**

**WHAT IS THE NPA TAX CREDIT?**
A state tax credit is a dollar-for-dollar reduction/elimination of an entity's state tax liability, as opposed to a tax deduction. Upon approval from the Department of Economic Development, the tax credit recipient can choose to use the credit against their tax liability or has the option of selling/transferring the credit to another person/entity.

The tax credit is issued at the completion of the project and based upon approval of the final paperwork. The credit must first be applied against the tax liability for the tax year in which the credit is issued. Thereafter, any excess credit may be applied towards the tax liability for the three prior years or the five subsequent years. Please note that this is **<u>NOT a grant program</u>** and actual dollars will not be issued to assist in the rehabilitation or construction of a project. The tax credit is non-refundable.

| **Recent Program Changes, Requirements, and Updates** |
|---|
| ➢ Effective in 2005 credits can no longer be transferred from one property address to another. |
| ➢ **Proof of ownership** must be sent with the preliminary application. If you are in the process of becoming the owner you must acquire the property within **60 days** of preliminary approval. Once you become the property owner must submit proof of ownership. If you are unable to acquire the property within 60 days you can reapply in the next application cycle. If you do not intend to be the property owner by March 1, 2007 then please do not apply for tax credits this application cycle. |
| ➢ Developer fee agreements and contractor fee agreements must be submitted before the final application for review and approval. They can be sent in with the preliminary application or when construction begins. |
| ➢ To receive credits, invoices **and** proof of payment of those invoices will be required as part of the final paperwork. |
| ➢ **Not-For-Profit** organizations are eligible to apply for NPA tax credits starting with the 2007 NPA application. Sources of funds will have to be submitted with final application expenses to ensure eligibility of funds used. |
| ➢ The Department of Economic Development will charge a fee of 2.5% of the amount of tax credits issued. All projects approved for credits under this 2007 application will be assessed this fee. Those not receiving approval will not be charged the 2.5% fee. |
| ➢ The year of the tax credit will now be the completion year of the project. Ex: The application year is 2007. The project construction is completed in 2008. Your tax credit will be a 2008 tax credit, not a 2007 tax credit. |
| ➢ **SB1099 Tax Credit Accountability Act** was passed and became effective on January 1, 2005. SB1099 includes **Department of Revenue (DOR) Offset**. Once the cost review is complete the Department of Revenue will look for any outstanding tax liabilities against the applicant. If the applicant has any outstanding tax liability the tax credit will be adjusted and issued with the outstanding tax liability removed from the original certificate amount. **NOTE: The next two pages outline the provisions of the law.** |

# NOTICE

**The Tax Credit Accountability Act of 2004 (Senate Bill 1099, Sections 135.800 through 135.830, RSMo) makes several changes to the tax credit programs, specifically:**

- **Processing tax credit applications;**
- **Annual reporting requirements; and,**
- **Penalty provisions.**

## Changes in Processing of Tax Credits (Section 135.815)

**Prior to the Missouri Department of Economic Development (DED) authorization of a tax credit, the DED will speak to the Departments of Revenue and Insurance and verify that the applicant does not owe any delinquent income, sales, use taxes, or insurance taxes, or interest or penalties on such taxes. If a delinquency exists, the amount of tax credits issued will be reduced by the amount of the delinquency. After satisfying all delinquencies, the remaining credits shall be issued.**

## Reporting Requirements (Section 135.805)

**Certain tax credit recipients are required to annually report information pertaining to the project that received the tax credits to the DED. Because the statute requires that a full year pass after the issuance of the tax credits before the reporting requirements must be met, the earliest date that reporting will be required is <u>June 30, 2006</u>.**

The Housing Category of tax credits, which includes the Neighborhood Preservation Tax Credit program, requires recipients to annually report for three (3) years following the date of issuance of the tax credits to the DED the following information:

- Address of the project;
- Fair market value of the property, which would be the value as of the purchase of the property or the most recent assessment, whichever is more recent (Subsection 6 of 135.802, RSMo);
- Projected or actual labor cost; and,
- Completion date of the project.

## Penalty Provisions (Section 135.810)

**Failure to meet the annual reporting requirements or fraud in the application process if determined by a court, such person or entity shall be subject to penalties.**

If the annual report is ninety (90) days past due, the DED shall send notice by registered mail to the last know address of the person or entity who is required to complete the annual report. The notice shall inform the person or entity of the past-due report and the pending penalties and their respective deadlines.

If the annual report is six (6) months past due, the DED shall notify the Department of Revenue that the taxpayer is subject to penalties because of failure to report.

**Such penalties include the following:**

- Failure to report for six (6) months but less than one year shall equal a penalty of two percent (2%) of the value of the tax credits issued for each month of the delinquency.
  - EXAMPLE: Recipient receives $10,000 in tax credits. Annual report is due June 30, 2006, however, the recipient does not submit the report until March 30, 2007. The recipient is nine (9) months delinquent and the penalty would equal 2% multiplied by $10,000 for nine (9) months or $1800.
- Failure to report for more than one (1) year shall equal a penalty of ten percent (10%) of the value of the credits issued for each month of the delinquency, not to exceed one hundred percent (100%) of the tax credit value.
  - EXAMPLE: Recipient receives $10,000 in tax credits. Annual report is due June 30, 2006, however, the recipient does not submit the report until March 30, 2008. The recipient is twenty-one (21) months delinquent and the penalty would equal 10% multiplied by $10,000 for twenty-one (21) months or $21,000, however, the statute limits the penalty to the amount of the tax credits, therefore, the penalty would be $10,000.

The taxpayer shall be liable for any penalties as of December 31 of any tax year and the liability shall be due as of the filing date of the taxpayer's next income tax return.

If the taxpayer is not required to file an income tax return, the taxpayer's liability for penalties shall be due as of April 15th of each year.

The Director of the Department of Revenue shall offset any tax credits claimed on a filed tax return against an outstanding penalty before applying such credits to the tax year against which they were originally claimed.

Any nonpayment of liability for penalties shall be subject to the same provisions of law as a liability for unpaid income taxes, including but not limited to, interest and penalty provisions.

Penalties shall remain the obligation of the person or entity obligated to complete the annual report without regard to any transfer of the credits.

## Closed Records (Sections 610.255 and 620.014)

**Prior to August 28, 2004 and pursuant to Section 620.014, DED had the authority to close certain records except for the name of the tax credit recipient and the amount of the tax credit. SB 1099 removes this broad exception but DED retains the authority to close records or documents that "relate to financial investments in a business, or sales projections or other business plan information which may endanger the competitiveness of a business" or as also allowed by law.**

# Eligibility Requirements

- All property must be for long-term homeownership.

- Rental and commercial properties are ineligible.

- Properties that are partially owner-occupied can be prorated to include all of the costs of the owner-occupied unit and a percentage of the overall exterior costs to receive a partial tax credit (i.e. duplex 50/50, triplex 33%, etc.).

- Eligible expenses must end, begin, or continue through the year in which the taxpayer applies to the program. There must be at least "**one**" eligible expense incurred in the year 2007. Eligible expenses can only go back as far as the first day of the previous year in which the applicant applies for the tax credits (for this application period, it is **January 1, 2006**). All taxpayers must apply during the time prescribed by the Department of Economic Development and be chosen in the lottery.

- If a particular application is not selected in the lottery, then the applicant has the option to resubmit the application the following year. To reapply the following year update part 1A. Application form 1B can be reused if the description of work has remained the same. If all funds are not allocated during the lottery, applications will still be accepted for that particular census area.

- The Neighborhood Preservation Tax Credit Program may not be used with any other state tax credit program with the exception of the Historic Preservation Tax Credit Program as authorized by sections 253.545 to 253.561, RSMo. If Historic Preservation tax credits are claimed, the maximum available credits under this program will be the lesser of either 20% of the eligible costs or $40,000. The combination of Neighborhood and Historic tax credits can only take place if the property is in a qualifying area, and will be receiving substantial rehabilitation (At least 50% of the purchase price or more).

- The maximum tax credit for a project consisting of multiple-units in a qualifying area (in a distressed community) is $3 million.

- Applicants have 24 months after approval to finish the projects. An applicant must receive approval from DED to extend the project period past 24 months.

**NOTE: To determine if your property is in an eligible or qualifying area please visit the Department of Economic Development website at the following address: http://www.missouridevelopment.org/topnavpages/Research%20Toolbox/BCS%20Programs/Neighborhood%20Preservation%20Act.aspx**

# Types of Eligible Projects

**(Refer to Grid on page 9)**

## REHABILITATION

### Eligible Areas

An eligible area includes those properties in the state of Missouri that are single-family residences which are forty years of age or older and, do not lie within a distressed community as defined by section 135.530, RSMo. The following must apply to the property for this category:

- Occupied or intended to be occupied long-term by the owner or offered for sale at market rate for owner occupancy.

- If in a metropolitan statistical area or non-metropolitan statistical area, the property must be in a United States census block group which has a median household income of less than ninety percent (90%) but greater than or equal to seventy percent (70%) of the median household income for the metropolitan statistical area in which the census block group is located.

You must incur a **minimum** cost of **$10,000** worth of eligible expenditures to receive a 25% tax credit. The maximum tax credit amount is $25,000 in any 10-year period. *For example, if you spend $30,000 to rehab your home, you could receive a $7,500 tax credit [$30,000 x 25% = $7,500]. You could reapply continuously until you reach the $25,000 tax credit amount.*

**Please note: Multiple unit structures such as condominiums, lofts, and multiple single-family residences are not eligible under this area. A multiple unit structure in an eligible area requires a separate application for each condominium, loft, or residence.**

### Qualifying Area

A qualifying area includes those properties in the state of Missouri that are single-family residences which are forty years of age or older and lies within a distressed community as defined by section 135.530, RSMo. This also includes condominiums, lofts, and multiple single-family residences. The following must apply to the property for this category:

- Occupied or intended to be occupied long-term by the owner or offered for sale at market rate for owner occupancy.

- If in a metropolitan statistical area or non-metropolitan statistical area, the property must be in a United States census block group, which has a median household income of less than seventy percent (70%).

You must incur a **minimum** cost of $5,000 worth of eligible expenditures to receive a 25% tax credit. The maximum tax credit amount is $25,000 in any 10-year period. *For example, if you spend $7,500 to rehab your home, you could receive a $1,875 tax credit [$7,500 x 25% = $1,875]. You could reapply continuously until you reach the $25,000 tax credit amount.*

**Please note:**

- **Multiple unit structures in a qualifying area must be submitted on ONE application. Remember to state the number of units to be completed, and the TOTAL project costs.**

- **Any municipality that has been labeled a distressed community in its entirety must apply under the "Qualifying" area only.**

## Substantial Rehabilitation

Substantial rehabilitation is a 35% tax credit available to property owners who meet the following criteria:

1. Property is **fifty years** of age or older.

2. Rehabilitation costs are equal to or exceed **50%** of the purchase price of the residence or $5,000 whichever is more.

3. Property must be located in a "**qualifying**" area.

If the above-mentioned criteria are met you will have the option to apply for the 35% tax credit. Example: If you purchased the residence for $20,000, you would have to incur at least $10,000 in rehab expenses. The maximum tax credit amount is $70,000. *For example, if you spend $45,000 to rehab your home, you could receive a $14,000 tax credit [$45,000 x 35% = $14,000]. You could reapply continuously until you reach the $70,000 tax credit amount.*

- **Please note: the Neighborhood Preservation Tax Credit Program may not be used with any other state tax credit program with the exception of the Historic Preservation Tax Credit Program as authorized by sections 253.545 to 253.561, RSMo. If historic preservation tax credits are claimed, the maximum available credits under this program will be the lesser of either the 20% of the eligible costs or $40,000. The combination of NPA and Historic Preservation Tax Credits can only occur if the property is in a Qualifying area and will receive substantial rehabilitation. Also, the maximum tax credit for a project consisting of multiple-units in a qualifying area (in a distressed community) is $3 million.**

# NEW CONSTRUCTION

## Eligible Area

For new construction in the state of Missouri under this category, the following must apply:

- The newly constructed residence must be replacing a residence that is equal to or more than forty years of age and is demolished for the purposes of constructing a replacement residence.

- The residence is constructed on vacant property, which has been classified (for tax purposes) for not less than forty continuous years as residential, utility, commercial, railroad, or other real property.

- If in a metropolitan statistical area or non-metropolitan statistical area, the property must be in a United States census block group which has a median household income of less than ninety percent (90%) but greater than or equal to seventy percent (70%) of the median household income for the metropolitan statistical area in which the census block group is located.

There is no minimum cost that you must incur for new construction. The maximum tax credit amount is $25,000 in any 10-year period. *For example, if you spend $25,000 to construct your home, you could receive a $3,750 tax credit [$25,000 x 15% = $3,750]. NOTE: (You may be eligible to reapply continuously until you reach the $25,000 maximum tax credit amount if your "new construction" has not been completed and you have incurred additional construction expenses.)*

## QUALIFYING AREA

If doing new construction in the state of Missouri under this category, the following must apply.

- The newly constructed residence must be replacing a residence that is equal to or more than forty years of age and is demolished for the purposes of constructing a replacement residence.

- The residence is constructed on vacant property, which has been classified (for tax purposes) for not less than forty continuous years as residential, utility, commercial, railroad, or other real property.

- If in a metropolitan statistical area or non-metropolitan statistical area, the property must be in a United States census block group, which has a median household income of less than seventy percent (70%).

There is no minimum cost that you must incur for new construction.  The maximum tax credit amount is $40,000 in any 10-year period.  *For example, if you spend $115,000 to construct your home, you could receive a $17,250 tax credit [$115,000 x 15% = $17,250.  NOTE:  (You may be eligible to reapply continuously until you reach the $40,000 maximum tax credit amount if your "new construction" has not been completed and you have incurred additional construction expenses.)*

## <u>Qualifying (Distressed Community) Area</u>

If doing new construction in the state of Missouri under this category, the following must apply:

- The land must have been **vacant for at least two years** and is or was occupied by a structure **condemned** by the local entity.

There is no minimum cost that you must incur for new construction.  The maximum tax credit amount is $40,000 in any 10-year period.  *For example, if you spend $115,000 to construct your home, you could receive a $17,250 tax credit [$115,000 x 15% = $17,250.  NOTE:  (You may be eligible to reapply continuously until you reach the $40,000 maximum tax credit amount if your "new construction" has not been completed and you have incurred additional construction expenses.)*

## Please note:

- **Any municipality that has been labeled a distressed community in its entirety must apply under the "Qualifying" area only.**

- **No new residence may be constructed in a flood plain or on property used for agricultural purposes for the use of this program.**

# Eligibility Grid At a Glance

| | | REHABILITATION | |
|---|---|---|---|
| | | Eligible Area | Qualifying Area (including Distressed Community) |
| Eligible Costs | Residence: | ▪ ≥ 40 years old | ▪ ≥ 40 years old |
| | Tax credit: | ▪ 25% of eligible costs<br>▪ $10,000 minimum costs<br>▪ $25,000 tax credit max per residence per 10 years | ▪ 25% of eligible costs<br>▪ $5,000 minimum costs<br>▪ $25,000 tax credit max per residence per 10 years |
| Substantial Rehabilitation | Residence: | ▪ N/A | ▪ ≥ 50 years old |
| | Tax credit: | ▪ Not available | ▪ 35% of eligible costs<br>▪ Minimum costs =>50% of purchase price **AND** no less than $5,000<br>▪ $70,000 tax credit max per residence per 10 years |

| | NEW CONSTRUCTION | | |
|---|---|---|---|
| | Eligible Area | Qualifying Area | |
| | | Non Distressed Community | Distressed Community |
| Residence must be: | Replaces residence ≥ 40 years old<br>**OR**<br>On vacant property classified for tax purposes ≥ 40 years | | Vacant ≥ 2 years<br>**OR**<br>Condemned |
| Tax credit for eligible costs: | ▪ 15% of eligible costs<br>▪ No minimum<br>▪ $25,000 tax credit max per residence per 10 years | ▪ 15% of eligible costs<br>▪ No minimum<br>▪ $40,000 tax credit max per residence per 10 years | |
| Tax Credit for substantial rehabilitation: | Not available (not rehab) | | |

# PRELIMINARY APPLICATION REVIEW PROCESS

This is not a competitive program. Applications **postmarked by November 17, 2006** are on equal standing and must go through a lottery process to determine the order in which applications are reviewed. Once the numbering of the applications is completed and the order in which they will be awarded is decided, the Department of Economic Development's staff will review each application for completion. However, any application that is not complete may be pulled from the review process at the discretion of the Department of Economic Development. When all of the applications have been reviewed, the Department of Economic Development will notify the applicant in writing of the status of the application.

# WHAT HAPPENS AFTER THE REVIEW PROCESS?

If your application is not chosen for a tax credit award, we will notify you by letter. At that time, the official status of the application will be "Denied".

If your application is approved, the Department will also notify you by letter. You should proceed with your project to achieve the anticipated completion date as close as possible. Once you have completed the project, you will then submit the **final paper** work that must include the following:

1. Neighborhood Preservation Act Form 2 – Final Approval

2. NPA-E form – Must be signed and notarized.

3. Invoices, receipts **and** proof of payment. (Including invoices, receipts, cancelled checks, bank statements, credit card statements, etc.)

4. "After" Pictures – Pictures of the finished project.

5. Code Certification - a copy of an inspection certificate from the local building maintenance/housing official. If there are no building, maintenance, or property codes, a signed affidavit from the local governing official stating there are no such requirements in the municipality or county is required.

6. Independent Audit if the total project costs exceed $250,000. (See pages 21 & 22 of the guidelines for more information)

To obtain the forms for items numbered 1 and 2, you may either request them from the Department of Economic Development or retrieve them from the following website: http://www.missouridevelopment.org/topnavpages/Research%20Toolbox/BCS%20Programs/Neighborhood%20Preservation%20Act.aspx

## KEY NOTES:

1. **Once the cost review is complete the Department of Revenue will check to make sure the applicant(s) do not have any state tax liability. If there is a state tax liability, that amount will be deducted from the original tax credit amount and the tax credit certificate will then be issued with the new adjusted amount.**
2. **The Department of Economic Development will charge a fee of 2.5% of the amount of tax credits issued. All projects approved for credits under this 2007 application will be assessed this fee. Those not receiving approval will not be affected by this new legislation.**

# How to use the Tax Credit

Once the project is completed and tax credits are issued, the applicant has the option to use the tax credits towards their Missouri state tax liability, transfer, or sell the credits. To claim the credit on your state tax return, you must complete the MO-TC form, which is available by request from the Department of Revenue, (573) 751-3505 or via DED's website at http://www.ded.mo.gov/cd/NPA.htm

# PREPARING THE APPLICATION

When making the final preparation to send in the original application, keep an extra copy for your records. A checklist has been provided to ensure that you submit all required items. The applications must be **postmarked** by **<u>NOVEMBER 17, 2006.</u>** Applications postmarked after November 17th 2006 will be removed from the review process. Make sure the carrier used to deliver the applications provides a **"postmarked"** date on the package. It is strongly suggested that your application be sent via express or certified mail to ensure receipt. If the carrier used does not provide a postmarked date the delivery date to our office will be used for the postmarked date. **APPLICATIONS DELIVERED BY HAND WILL NOT BE ACCEPTED.** Applications must be mailed to either of the following addresses:

Missouri Department of Economic Development
**Neighborhood Preservation Act Tax Credit Program**
P.O. Box 118
Jefferson City, MO 65102

OR

Missouri Department of Economic Development
**Neighborhood Preservation Act Tax Credit Program**
301 W. High, Room 770
Jefferson City, MO 65102

## KEY NOTES:

- Only one application can be submitted per structure.
- Structures that are multi-units must submitted on the same application in qualifying areas only.
- Structures that are multi-units in an eligible area require one application per residence.
- Properties that have been previously approved, awarded, or issued tax credits can not be applied for once they have reached the maximum amount of credit for the 10 year period as stated in the statute.
- An applicant can submit a **maximum of 75 applications**.
- Applicants sending duplicate applications or applicants exceeding the maximum number of 75 applications will be subject to disqualification.

# APPLICATION INSTRUCTIONS

## Part 1A - PRELIMINARY APPROVAL

Part 1A should be completed prior to the start of a new construction or rehabilitation project. This section will serve as a guide in completing the application. If you should have any questions or need clarification, call (573) 522-8004 and someone will assist you.

1. ***Applicant Information***: provide the name of the person or entity that will be receiving the tax credit. The applicant must be the owner of the property and must incur and pay all costs during the construction. Proof of ownership must be submitted with the preliminary application. If proof of ownership has not been provided within **60 days** of preliminary approval the application will be **denied** and the credits will be **forfeit**.

    ***Developers Section***: indicate the type of category under partnership or corporation the applicant falls under. **For entities with flow through tax treatment (e.g. partnerships, S-corporations, etc.), include on a separate sheet the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application.** Give the name, address, telephone number, fax number, NAICS code, number of employees, taxpayer identification number (FEIN or SSN), proof of ownership, and e-mail address of the designated contact person of that company.

    ***Homeowners Section***: indicate if you are or will become the property owner and will maintain residence in this location after the construction is complete. Include the mailing address, telephone number, fax number, social security number, proof of ownership, and e-mail address.

2. ***Project Contact***: specify the contact person for the project. This is the person who is knowledgeable about the project. This contact person will receive all correspondence on the project from the Department of Economic Development. It may be the applicant or a third-party contact. (Ex: A consultant) Please provide the name, address, telephone number, fax number, and email address of the project contact.

3. ***Property Information***: you must provide the street address, city, county, and zip code of the property. Indicate the present tax classification of the property (residential, commercial, or both) and the tax classification after rehabilitation. Provide the legal description of the property as explained by your local government entity. A separate sheet may be attached.

4. ***Type of Project***:

    ***New Construction***: if you are building a new structure on a vacant lot, you must indicate the amount of time the property has been vacant. You must also provide documentation that confirms the length of time and proves the property has been classified as residential, utility, commercial, railroad, or other real property for no less than 40 continuous years. If you are demolishing a structure, you must also provide the same documentation to prove that the structure to be dismantled is greater than or equal to 40 years of age, and is being demolished for the purposes of constructing a replacement residence. **Demolition of a local historic structure or a national register house must be authorized by the local governing authority or a landmarks association if applicable. A listing of the landmark associations is available through the State**

**Historic Preservation Office. It should be signed off by the locality as to *'no historic significance'*.**

***Rehabilitation***: you must provide documentation that indicates the age of the structure being rehabbed. If you are applying as a substantial rehabilitation project, you must include verification of basis documentation, also known as acquisition price. This information will prove the purchase price of the structure (this information should be available in your closing documents or at the Recorder's office).

5. ***Preliminary Tax Credit Request***: provide estimated costs of rehabilitation/construction and the estimated total cost of the project. The estimated project cost is the amount used to determine the pre-approved amount of tax credits. A project start date and completion date must be included to assist with the eligibility of the application.

6. ***Project Information***: indicate if this project will receive other state/federal tax incentives or grants. Other information needed will be the expected number housing units produced after rehabilitation/construction and/or the number of expected number of businesses produced after rehabilitation/construction (if applicable). Examples of percent of units owner-occupied are: *100% is single-family residence; duplex is 50%, triplex is 33%, etc.* Indicate if property is receiving tax abatement through the local government entity; if so, the length of time the property will receive this abatement.

7. ***Applicant Signature***: original signature(s) of authorized taxpayer claiming the credit must be provided (use additional sheets if necessary).

## PART 1B – DETAILED DESCRIPTION OF WORK

**Describe existing feature and its condition:** provide a description (visual, structural, or other) of the project work and the current physical condition of the architectural features requiring work or the newly constructed features. Explain the entire project and not just those portions for which the tax credit will be sought. Begin by describing site work, followed by work on the exterior—including new construction—and finally work on the interior.

**Describe work and proposed impact on existing feature:** explain in detail the rehabilitation or new construction to be undertaken. Also, explain the effect (visual, structural, or other) on the architectural features receiving rehabilitation or being newly constructed (see examples in Appendix 1). Number each item to identify each architectural feature.

**Photographs:** number photographs or place them on a separate piece of paper that is numbered to show the architectural features before work begins. If new construction, photographs of the vacant land or structure to be demolished will suffice. Photographs should also be dated and labeled with the property name, the view (e.g. east side), and a brief description of what is shown. Photographs should be tied to the application narrative where appropriate. In many cases, it may be helpful to mark directly on the photographs the areas of proposed or completed work. Photographs may be black-and-white or color but must show architectural features clearly. **Photographs are not returnable.**

The applicant **<u>must</u>** submit a sufficient number of good, clear photographs with the application to document both interior and exterior conditions (including site and environment) prior to any rehabilitation work and to show the areas of proposed work. Elevations, interior features, and spaces of the buildings should also be shown. ***Where such documentation is not provided, review and evaluation cannot be completed, resulting in denial of the requested certification***.

**Drawings or sketches:** drawings or sketches are required when photographs are not available for proposed work to show planned alterations or new construction. They must be sufficiently detailed to show existing wall configurations and anticipated changes. Documentation should include floor plans and where necessary, sections and elevations. All drawings and sketches submitted with the application should be numbered and tied to the application narrative.

**Estimated rehabilitation costs:** you must give an approximate cost of the proposed rehabilitation of the feature or newly constructed feature.

**Note: It is recommended that you contact your local building inspection authority prior to construction to ensure the property will not be in violation of any building or maintenance codes or to acquire an occupancy permit.**

# Definitions

1. Basis: is the cost of acquisition.
2. Distressed Community: as defined in Section 135.530, RSMo.
3. Eligible Area: a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by Section 135.530, RSMo, which is occupied or intended to be occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than 90%, but greater than or equal to 70% of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a non-metropolitan area, has a median household income of less than 90%, but greater than or equal to 70% of the median household income for the non-metropolitan areas in the state.
4. New Residence: a residence constructed on land which if located within a qualifying area has either been vacant for at least two years or is/was occupied by a structure which has been condemned by the local entity in which the structure is located or which, if located outside of a qualifying area but within an eligible area, either replaces a residence forty years of age or older, demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property.
5. Qualifying Area: a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long term by the owner or offered for sale at market rate for owner-occupancy and which is located in a metropolitan statistical area or non-metropolitan statistical area within a United States census block group which has median household income of less than 70% of the median household income for the metropolitan statistical area or non-metropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences, which is located within a distressed community.
6. Substantial Rehabilitation: rehabilitation by which costs exceed 50% of either the purchase price or the cost basis of the structure immediately prior to the rehabilitation, provided that the structure is at least fifty years old.
7. Fair Market Value: the value as of the purchase of the property or the most recent assessment, whichever is more recent.
8. Homeowner: the applicant will live and occupy the home after the construction is complete.
9. Developer: applicant has ownership of the property with the intent to sell the property(s) after the construction of the home is complete. The applicant will not occupy the home; it will be sold for owner occupancy after the construction is complete.
10. NAICS Code: NAICS – North American Industry Classification System. The Federal Office of Management and Budget (OMB) adopted the NAICS as the industry classification system used by the statistical agencies of the United States. NAICS replaces the 1987 Standard Industrial Classification (SIC). The NAICS is used for classifying business establishments to assist with gathering data related to measuring productivity, unit labor costs, and the capital intensity of production, employment and other information. Missouri businesses are assigned a NAICS when the company files a “Report to Determine Liability Status” with the Missouri Department of Labor and Industrial Relations, Division of Employment Security to determine Unemployment Tax Liability. Normally, a general business employer becomes liable for the tax and responsible for providing unemployment insurance for its workers when it:

    - Pays $1,500 in wages (cash and in-kind) in a calendar quarter, or
    - Has an employee in some portion of a day in each of 20 different weeks, or
    - Becomes liable under the Federal Unemployment Tax Act (FUTA) and employs a worker in Missouri, or
    - Acquires and continues without interruption substantially all the business of a liable employer.

# NPA APPLICATION CHECKLIST

Upon completing the application, carefully check this list to make sure you have included all of the **required forms** and **attachments** with the preliminary application. **ALL** of the following listed below must be included with the preliminary application. Failure to submit information could result in the application being removed from the review process.

- ❑ **Form 1A –** Preliminary Approval completed in **FULL**.

- ❑ **Form 1 B –** Rehabilitation information and new construction descriptions and details. (See page 21 in the guidelines for an example.)

- ❑ **Signature Page –** Signed and Notarized.

- ❑ **Proof of Ownership -** Closing statement or sales contract showing the purchase price of the home.

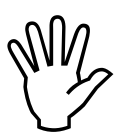
- ❑ **Proof of Age -** Contact the assessor's office or submit any documentation you have showing the age of the structure.

- ❑ **Photographs/Drawings –** Before photographs of the repairs needed for rehabilitation or photos of the vacant lot or the structure to be demolished for new construction.

- ❑ **Legal Description –** The legal description of the property.

- ❑ **Proof of Fair Market Value -** Send a copy of a recent appraisal or contact the assessor's office to get the most recent property assessment.

- ❑ **Tax Classification of Property –** Provide proof of the properties tax classification. Ex: residential, commercial, or agricultural. **(Required for New Construction only)**



## REMINDER

**Carefully check your entire application to be sure you have not overlooked any required information. A checklist is being provided for this purpose. It is necessary for you to provide all documentation that the Department has requested in order for proper consideration to be given to your application. Keep a copy of the entire completed application (including attachments) for your own records.**

**NOTE: FAILURE TO SUBMIT ALL REQUIRED DOCUMENTATION MAY RESULT IN THE DISQUALIFICATION OF YOUR APPLICATION.**

MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT

# Examples of Completing Part 1B of the Preliminary Application

**PART 1B.**

**Detailed Description of Work:** Includes site work, new construction, alterations, etc. Complete blocks below.

**ITEM NUMBER: 1**
**Describe existing feature and its condition:** Architectural Feature/Facade brick

*Hard-pressed red brick with butter joints in good condition. Mortar is mostly sound but deteriorating and missing around the downspout at each end of façade. Some graffiti at first floor.*

**Describe work and proposed impact on existing feature.**

*Will selectively hand-clean deteriorated joints and repoint with mortar and joint width to match existing (see spec. pp. 33-35); chemically clean graffiti from first floor pier (see spec. pp.30-31).*

| PHOTO NUMBER | DRAWING NUMBER. (IF NO PHOTO) | ESTIMATED REHABILITATION COSTS |
|---|---|---|
| 3.6 | A-17 | $1,500 |

**ITEM NUMBER: 2**
**Describe existing feature and its condition:** Main staircase

*Original stairs exist between 1st a[illegible] 3rd flo[illegible] ba[illegible]ters mis[illegible]nd treads worn. Later stairs from 3rd to 8th floor[illegible]*

**Describe work and propos[illegible]act [illegible]ing [illegible]ature.**

*Replace missing balusters with matching pieces. Sand-painted banisters and balusters and varnish. Replace treads as needed. Sand and stairs. Retain later stair as is.*

| PHOTO NUMBER | DRAWING NUMBER. (IF NO PHOTO) | ESTIMATED REHABILITATION COSTS |
|---|---|---|
| 9, 10 | B-5 | $600 |

**ITEM NUMBER: 3**
**Describe existing feature and its condition:**

**Describe work and proposed impact on existing feature.**

| PHOTO NUMBER | DRAWING NUMBER. (IF NO PHOTO) | ESTIMATED REHABILITATION COSTS |
|---|---|---|
| | | $ |

# NPA FREQUENTLY ASKED QUESTIONS (FAQ's)

**Q: What is a state tax credit?**

A: It is a dollar-for-dollar reduction/elimination of an entity's or individual's state tax liability, as opposed to a tax deduction.

**Q: When would a Neighborhood Preservation Act tax credit be issued?**

A: The tax credit is issued at the completion of the project with approval from the Department of Economic Development & Department of Revenue.

**Q: Once the tax credit is issued, for what period of time can it be used?**
**A:** The tax credit must first be claimed in the year that it was issued. If the credit exceeds the tax liability, the taxpayer has the option of carrying the excess back three years or forward five years. For example, upon completion of a project in 2008, tax credits would be issued in 2008. Those credits must first be applied against the tax liability for tax year 2008 (for a calendar year taxpayer, due April 15, 2009). If the credits exceed the 2008 tax liability, the taxpayer may amend its 2005, 2006, or 2007 returns (assuming the statute of limitations to amend the return for a given year has not yet expired) and use the excess credit for one or more of those years. Alternatively, or in addition to, the taxpayer may retain the excess credits and use them on its 2009-2013 returns.

*Visit the Department of Revenue's website at **www.dor.mo.gov**

**Q: What are the options associated with receiving a Neighborhood Preservation Act tax credit?**

A: Upon approval from the Department of Economic Development, the tax credit recipient can choose to use the credit against their tax liability or sell/transfer the credit to another person/entity.

**Q: How do you claim the credit on their state tax return?**

A: You must fill out a MO-TC form available by request from the Department of Revenue by calling (573) 751-3505 or accessing the website at **http://www.dor.state.mo.us/tax/**

**Q: What is required to sell/transfer the tax credit?**

A: You must complete the MO-TF transfer form, available by request from the Department of Economic Development by calling (573) 522-8004, or accessing it online at **http://www.ded.mo.gov/cd/NPA.htm**

**Q: Is the tax credit refundable?**

A: No, hence the sellable/transferable option. However, if a person/entity chooses to apply the credit to a previous tax years return the portion paid to the state may be returned upon filing of an amended return.

**Q: What is Senate Bill 1099 DOR Offset?**

A:  Once the audit is complete the Department of Revenue will look for any outstanding tax liabilities against the applicant.  If the applicant has any outstanding tax liability the tax credit will be adjusted and issued with the outstanding tax liability removed from the original certificate amount.

# ELIGIBLE EXPENDITURES

Rehabilitation:

- ✓ Site preparation
- ✓ Survey
- ✓ Architectural and engineering services
- ✓ Construction
- ✓ Modification
- ✓ Expansion
- ✓ Remodeling
- ✓ Structural alteration
- ✓ Replacements and alterations
- ✓ Costs directly attributed to the rehabilitation
- ✓ Utility extensions on the property (water, sewer, electrical)
- ✓ Sidewalks and driveways directly attached to the building.

New Construction:

- ✓ Property acquisition
- ✓ Development
- ✓ Site preparation
- ✓ Surveys
- ✓ Architectural and engineering services
- ✓ Construction
- ✓ Utility extensions on the property (water, sewer, electrical)
- ✓ Sidewalks and driveways directly attached to the building.

# INELIGIBLE EXPENDITURES

Expenses not covered under this program, but not limited to:

- ✓ Costs not directly attached to the building
- ✓ Landscaping, including privacy fencing
- ✓ Buildings other than garages
- ✓ Appliances
- ✓ Mirrors
- ✓ Awnings
- ✓ Marketing
- ✓ Parking lot
- ✓ Window treatments
- ✓ Items that are removable without damage to the property

# INSTRUCTIONS: SUBMITTING YOUR EXPENSES

As part of the final application process, the applicant must submit an itemized list of project costs. All project costs, both eligible and ineligible for credits, should be listed. Expense documentation, such as invoices, receipts, or a final draw sheet, must also be included with your submission. The applicant will be required to show proof of payment.

**Projects over $250,000 that have State Historic Tax Credits (HTC) and NPA tax credits MUST refer to the HTC expense guidelines and complete the HTC cost certification first. One cost certification will suffice for projects using both HTC and NPA credits on the same property.**

***PLEASE NOTE: The Department of Economic Development has put the guidelines in place to expedite the amount and issuance of the tax credit. Submissions other than information requested may take longer to process and could be asked for resubmission**.

## Expense Guidelines: Total Project Costs Less Than $250,000

For applications with a total project cost less than $250,000, the applicant **must** prepare the expenditures list using the NPA-E form or a spreadsheet with identical column headings as the NPA-E form.

- ❑ Separate expenses by **date paid in ascending order**. (Example of a completed NPA-E form attached below)
- ❑ Submit back-up documentation. Group the paid invoices, receipts and/or cancelled checks in the order in which they appear on the list of itemized expenditures (NPA-E form). Back-up documentation may include, but is not limited to, the following:
  - Invoices or other documents that show expenses were incurred, AND
  - Final Bank and/or Title Company disbursement sheets and/or draw statements, OR
  - Copies of cancelled checks, bank statements, credit card statements, money orders or other documents that show the invoices were paid. This statement must include the payee; date paid, and amount of the check.
  - Please highlight applicable items on all cost certification information.

    - Note 1: Cash Payments are not allowed.
    - Note 2: Unpaid Costs will be disallowed unless a legal document is submitted to DED and meets DED's approval.

## Expense Guidelines: Total Project Costs Greater Than $250,000

**PLEASE NOTE:**

1. **Projects over $250,000 that have State Historic Tax Credits (HTC) and NPA tax credits MUST refer to the HTC expense guidelines and complete the HTC cost certification first. One cost certification will suffice for projects using both HTC and NPA credits on the same property.**
2. **Projects over $250,000 using only NPA credits and not using both HTC and NPA credits follow the expense guidelines below.**

For a project of more than $250,000, an audit by an independent Certified Public Accountant is required. The CPA must perform a 100% review and verification of all available invoices and proof of payment documentation to ensure that 100% of all project costs were incurred and paid. The CPA firm must also document, for review by DED, any and all accrued expenses. If an expense has been incurred and not yet paid, the applicant must submit a legal agreement outlining the scope of work and time for payment.

- ❑ A Certified Public Accountant (CPA) must perform an Audit of the project expenses. The Audit must include a 100% review and verification of all available invoices and proof of payment documentation to ensure that 100% of all project costs were incurred, paid, and are qualified or non-qualified rehabilitation expenses. The CPA's list of project expenditures must be submitted in the format of the NPA-E form.
- ❑ Submit back-up documentation. Proof of payment is required. Back-up documentation may include, but is not limited to, the following:
  - Development Fee and Partnership Agreements last signed, if appropriate
  - Final signed AIA documents and supporting schedules if appropriate
  - EITHER Final Bank and/or Title Company disbursement sheets, draw statements OR
  - Copies of cancelled checks, credit card statements, bank statements, invoices or other documents that show proof of payment.

  - Note 1: Cash Payments are not allowed.
  - Note 2: Unpaid Costs will be disallowed unless a legal document is submitted to DED and meets DED's approval.
  - Note 3: Audit of total project costs by independent CPA must include a 100% review and verification of all available invoices and proof of payment documentation to ensure that 100% of all project costs were incurred and paid. The CPA must also document, for review by DED, any and all accrued expenses.

There are six columns on the NPA-E form. The column headings are listed and explained below:

- <u>Date Paid</u>:
  Enter the date the expense was paid in **ascending** order.
- <u>Vendor</u>:
  Who was paid?
- <u>Method of Payment</u>:
  For each expense enter the payment method, such as check, credit card, or draw number.
- <u>Description of Expenditure</u>:
  Briefly explain the work. For example, if a plumber charged $300 to replace interior water pipes, include that description in this column.
- <u>Eligible Amount</u>:
  Enter the dollar amount of each **ELIGIBLE** expenditure in this column. Total all eligible costs at the end of the list.
- <u>Non-Eligible Amount</u>:
  Enter the dollar amount of each **NON-ELIGIBLE** expenditure in this column. Total all eligible costs at the end of the list.

An example of how to fill out the NPA-E form is shown below:

| **DATE PAID** | **VENDOR** | **METHOD of PAYMENT** | **DESCRIPTION OF EXPENDITURE** | **ELIGIBLE AMOUNT** | **NON-ELIGIBLE AMOUNT** |
|---|---|---|---|---|---|
| 09/28/2003 | Bill's Cabinet Shop | Discover Card | Built-in Cabinets Deposit | $924.24 | |
| 10/15/2003 | Lowe's | Visa | Kitchen Flooring | $2,847.22 | |
| 10/23/2003 | Jones' Architecture Firm | Check #1456 | Architectural drawings and plans for application | $2,300.45 | |
| 10/31/2003 | Bill's Cabinet Shop | Check #1502 | Built in Cabinets Second Payment | $800.00 | |
| 11/3/2003 | Home Depot | Check #1724 | Paint and Supplies | $1,200 | |
| 11/15/2003 | Smith Lawncare | Check #1822 | Seeding, Landscaping | | $1,600 |
| 11/26/2003 | Bills Cabinet Shop | Check #1755 | Cabinet Installation, Labor | $2,149.28 | |
| **Eligible & Non-Eligible Totals** | | | | **$10,221.19** | **$1,600.00** |
| **Total Project Costs** | | | | | **$11,821.19** |